



RCE  
IPW

# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. 1450  
Alexandria, VA 22313-1450

|                        |                      |
|------------------------|----------------------|
| Application No.        | 09/752,575           |
| Filing Date            | December 29, 2000    |
| First Named Inventor   | James Hermerding     |
| Art Unit               | 2116                 |
| Examiner Name          | Yanchus III, Paul B. |
| Attorney Docket Number | 42390P9249           |

**This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR § 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. § 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on September 29, 2005  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_
3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 02-2666.
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) and any additional claims fee(s)
- ii. ☐ Extension of time fee (37 C.F.R. § 1.136 and 1.17)
- iii. ☐ Other: (\$00)
- b. ☒ Check in the amount of \$790.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosd)
- 10/25/2005 HDEMESS1 00000017 09752575  
01 FC:1801 790.00 0P
- WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

|                   |               |                                   |                  |
|-------------------|---------------|-----------------------------------|------------------|
| Name (Print/Type) | Ashley R. Ott | Registration No. (Attorney/Agent) | 55,515           |
| Signature         |               | Date                              | October 20, 2005 |

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

October 20, 2005

|                   |                  |      |                  |
|-------------------|------------------|------|------------------|
| Name (Print/Type) | Krista Mathieson | Date | October 20, 2005 |
| Signature         |                  |      |                  |



# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

|  |                      |
|--|----------------------|
| Application No.                          | 09/752,575           |
| Filing Date                              | December 29, 2000    |
| First Named Inventor                     | James Hermerding     |
| Art Unit                                 | 2116                 |
| Examiner Name                            | Yanchus III, Paul B. |
| Attorney Docket Number                   | 42390P9249           |
| Total Number of Pages in This Submission | 4                    |

## ENCLOSURES (check all that apply)

|  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form                     | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> After Allowance Communication to Group   |
| <input checked="" type="checkbox"/> Fee Attached                             | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences                           |
| <input type="checkbox"/> Amendment / Response                                | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)                    |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition to Convert a Provisional Application                  | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request                           | <input type="checkbox"/> Terminal Disclaimer  | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):                               |
| <input type="checkbox"/> Express Abandonment Request                         | <input type="checkbox"/> Request for Refund   | <div>- First Class Certificate of Mailing;<br/>- Return Receipt Postcard;<br/>and<br/>- RCE Transmittal</div> |
| <input type="checkbox"/> Information Disclosure Statement                    | <input type="checkbox"/> CD, Number of CD(s)  |   |
| <input type="checkbox"/> PTO/SB/08   |   |   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)              |   |   |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application    |   |   |
| <input type="checkbox"/> Basic Filing Fee                                    |   |   |
| <input type="checkbox"/> Declaration/POA                                     |   |   |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |   |   |
| Remarks  |   |   |

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                         |  |
|-------------------------|--|
| Firm or Individual name | Ashley R. Ott, Reg. No. 55,515<br>BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP |
| Signature               |  |
| Date                    | October 20, 2005   |

## CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

|                       |                  |      |                  |
|-----------------------|------------------|------|------------------|
| Typed or printed name | Krista Mathiesen |      |                  |
| Signature             |                  | Date | October 20, 2005 |



# FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

Complete if Known

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

790.00

Application Number 09/752,575  
Filing Date December 29, 2000  
First Named Inventor James Hermerding  
Examiner Name Yanchus III, Paul B.  
Art Unit 2116  
Attorney Docket No. 42390P9249

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ None ☐ Other (please identify):

☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below

☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

☒ Credit any overpayments

## FEE CALCULATION

### 1. EXTRA CLAIM FEES

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 16                 | 20*          | 0              | \$0.00   |
| Independent Claims | 3            | 200.00         | \$0.00   |
| Multiple Dependent |              |                |          |

| Large Entity | Small Entity | Fee Description   |
|--------------|--------------|---|
| Fee Code     | Fee Code     |   |
| 1202 50      | 2202 25      | Claims in excess of 20                                    |
| 1201 200     | 2201 100     | Independent claims in excess of 3                         |
| 1203 360     | 2203 180     | Multiple Dependent claim, if not paid                     |
| 1204 300     | 2204 150     | **Reissue independent claims over original patent         |
| 1205 300     | 2205 150     | **Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (1) |              | (\$)  |

\*\*or number previously paid, if greater, For Reissues, see below

### 2. ADDITIONAL FEES

| Large Entity | Small Entity | Fee Description  |
|--------------|--------------|--|
| Fee Code     | Fee Code     |  |
| 1051 130     | 2051 65      | Surcharge - late filing fee or oath                              |
| 1052 50      | 2052 25      | Surcharge - late provisional filing fee or cover sheet.          |
| 2053 130     | 2053 130     | Non-English specification  |
| 1251 120     | 2251 60      | Extension for reply within first month                           |
| 1252 450     | 2252 225     | Extension for reply within second month                          |
| 1253 1,020   | 2253 510     | Extension for reply within third month                           |
| 1254 1,590   | 2254 795     | Extension for reply within fourth month                          |
| 1255 2,160   | 2255 1,080   | Extension for reply within fifth month                           |
| 1401 500     | 2401 250     | Notice of Appeal   |
| 1402 500     | 2402 250     | Filing a brief in support of an appeal                           |
| 1403 1,000   | 2403 500     | Request for oral hearing   |
| 1451         | 2451         | Petition to institute a public use proceeding                    |
| 1460 130     | 2460 130     | Petitions to the Commissioner                                    |
| 1807 50      | 1807 50      | Processing fee under 37 CFR 1.17(q)                              |
| 1806 180     | 1806 180     | Submission of Information Disclosure Stmt                        |
| 1809 790     | 1809 395     | Filing a submission after final rejection (37 CFR § 1.129(a))    |
| 1810 790     | 2810 395     | For each additional invention to be examined (37 CFR § 1.129(b)) |

Other fee (specify)

SUBTOTAL (2)

(\$)

790.00

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type) Ashley R. Ott Registration No. (Attorney/Agent) 55,515 Telephone (303) 740-1980  
Signature [Signature] Date 10/20/05